

# SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DATE: 10/24/97			DEPT. 85
HONORABLE ROBERT H. O'BRIEN	JUDGE	DAROLYN JENSEN	DEPUTY CLERK
HONORABLE	JUDGE PRO TEM	NONE	ELECTRONIC RECORDING MONITOR
NONE	Deputy Sheriff		Reporter

BS040197	Plaintiff	NO APPEARANCES
	Counsel	
FRANK MANCUSO, SR.		
VS	Defendant	
CALIF STATE COASTAL CONSERVANCY	Counsel	

**NATURE OF PROCEEDINGS:**

**JUDGMENT AND STATEMENT OF DECISION**

Copies of the Judgment and Statement of Decision, both signed and filed this date, are sent with copies of this minute order by U.S. Mail this date addressed as follows:

IRELL & MANELLA  
 1800 AVENUE OF THE STARS, SUITE 900  
 LOS ANGELES, CA 90067-4276

PETER KAUFMAN, SUPERVISING DEPUTY ATTORNEY GENERAL  
 110 WEST A STREET, SUITE 1100  
 SAN DIEGO CA, 92101

MINUTES ENTERED  
 10/24/97  
 COUNTY CLERK

1 This matter came before the Court on September 23, 1997, on Petitioner's First  
2 Amended Petition for Writ of Mandate. The Court, having reviewed and considered the First  
3 Amended Petition for Writ of Mandate, all papers submitted in support thereof and in  
4 opposition thereto, and the file and records in this action, and having heard oral argument  
5 thereon, finds as follows:

6 (1) Petitioner has standing to bring the instant action and has satisfied his burden of  
7 proving that the California State Coastal Conservancy (the "Conservancy") and the Department  
8 of General Services (the "Department") have failed to comply with the mandatory, ministerial  
9 obligations imposed upon them by Section 31107.1 of the Public Resources Code ~~to develop~~  
10 ~~and implement procedures to ensure that the Conservancy's transactions are carried out~~  
11 ~~efficiently and equitably and with proper notice to the public."~~

12 (2) Petitioner's claims that the Conservancy unlawfully failed to provide Petitioner  
13 with advance notice of or an opportunity to be heard regarding the Conservancy's May 16,  
14 1996 approval of the Rauw Feasibility Study have been mooted by the fact that the  
15 Conservancy held a new hearing, of which Petitioner was given advance notice, at which the  
16 Conservancy again approved the Rauw Feasibility Study.

17 (3) Petitioner's claims that the Conservancy unlawfully failed to provide Petitioner  
18 with advance notice of or an opportunity to be heard regarding the Conservancy's  
19 20-year property management agreement with the Mountains Recreation and Conservation  
20 Authority have been mooted by the fact that the Conservancy rescinded its authorization for  
21 the 20-year property management agreement.

22 (4) Petitioner's claim that the Conservancy's 20-year property management  
23 agreement with the Mountains Recreation and Conservation Authority violated CEQA has been  
24 mooted by the fact that the Conservancy rescinded its authorization for the 20-year property  
25 management agreement.

26 Consequently, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the  
27 peremptory writ of mandate sought by Paragraph C of the First Amended Petition's prayer for



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3 Amended Petition for Writ of Mandate, all papers submitted in support thereof and in  
4 opposition thereto, and the file and records in this action, and having heard oral argument  
5 thereon, hereby orders as follows:

6 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the peremptory writ  
7 of mandate sought by Paragraph C of the First Amended Petition's prayer for relief is hereby  
8 GRANTED. The Conservancy and the Department shall formally and publicly comply with  
9 the obligations imposed upon them by Section 31107.1 of the Public Resources Code to  
10 develop and implement procedures to ensure that the Conservancy's transactions "are carried  
11 out efficiently and equitably and with proper notice to the public."

12 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the peremptory writ  
13 of mandate sought by Paragraphs A, B and D of the First Amended Petition's prayer for relief  
14 are hereby DENIED.

15 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Paragraphs E and F  
16 of the First Amended Petition's prayer for relief remain OPEN

17 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that ~~Petitioner Frank~~  
18 ~~Maneuvo, Sr.~~ shall recover ~~his~~ costs from ~~Respondents California State Coastal Conservancy,~~  
19 ~~California State Coastal Conservancy Board, and California Department of General Services~~ in  
20 the sum of \_\_\_\_\_, as well as such other relief as the Court may deem  
21 appropriate.

22  
23 Dated: OCT 24 1997

24 Robert H. O'Brien  
25 SUPERIOR COURT JUDGE  
26  
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